

# Montana Sportsmen ALLIANCE

Voice of Reason on Montana Fish and Wildlife Issues

To: Senate Fish and Game

Re: SB 245

Position: The Montana Sportsmen Alliance would like to go on record as ADAMANTLY OPPOSED to SB 245

We view this as a horrible bill on many different levels. Management of the Public Trust Wildlife is a FWP agency function subject to FWP Commission approval. It is a process of transparent management of our fish and wildlife resources complete with ample opportunity for the public, all the public, to comment. This is the place sportsmen and public trust enthusiasts have a voice in management.

This bill is game micro-management by the legislature prodded by a special interest group. This is private land outfitters and harborers prohibiting the FWP from managing wildlife then running to the legislature for an end around sportsmen and sending the bill to us! In order to qualify for game damage seasons, landowners must allow a reasonable amount of public hunting during the 11 weeks of general seasons. These folks want to fill their pockets with big money from hunts, denying access to private lands as well as state and federal Public lands. They want to harvest only antlered trophies but doing nothing for those pesky antlerless critters. Billed as opportunity, this bill ignores some important facts. It is important to hold seasons concurrently so as to spread critters out on the landscape for equitable harvest as well as avoidance of brucellosis, Chronic Wasting Disease, and other diseases common to unhealthy concentrations. We consider our loss of 11 weeks of general harvest for the commercialization of public trust resources a travesty! Are over-objective herds really over objective if the FWP and hunters are unable to access them during our very generous seasons?

These folks want it all with NO SKIN IN THE GAME. We have the tools to manage these critters. The elk plan calls for antlerless seasons for over objective populations. Guaranteed to cure the problem! Sportsmen want this tool put into regular use! We recommend a DO NOT PASS!

Montana Sportsmen Alliance Leadership Group

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Exhibit No.

Date

Bill No.

# 2005 Elk Mgmt Plan

2. Input from sportspersons, public land managers, and the general public will also be considered.
3. Increasingly, in problem areas, Community Working Groups are formed to help all stakeholders come to consensus about objectives for elk numbers and potential solutions to elk management problems in the area.
4. FWP has come to recognize that in some areas and for some elk populations, demand for antlerless harvest with current regulations is less than is necessary to reduce the elk population from current levels to the objective. A substantially more liberal regulation package than traditionally used may be necessary to reduce the elk populations to objective levels. Once objective levels are met, regulations can be modified to maintain stable populations under average environmental conditions. These objective levels may be lower than ecological potential and driven more by sociological tolerance.
5. Elk populations in portions of some EMUs may be almost entirely inaccessible to hunters during the general hunting season or accessible to only a few hunters. To avoid over-harvest of accessible elk on public lands or private lands open to hunting, the inaccessible elk may not be included in objective numbers. Trend count number objectives may include only elk normally accessible to general hunting (if they are a distinct segment), though hunter access negotiations will continue. Elk occupying these "refuges" may be counted separately where practical (if they are a distinct segment) and sub-objectives established that could be operative if access negotiations are successful. If significant harvest of these "refuge" elk is possible with special management at some times and locations, they should be included in objective levels.

During winter and spring 2004, FWP biologists contacted many members of the public in various ways to discuss drafts of Elk Management (EMU) objective numbers for elk and proposed regulation packages. Comments received through these discussions were considered in writing the EMU Plans. EMU objectives and regulation packages were discussed at 54 meetings related to the 2004 season-setting process, with 18 Sportspersons Groups, with 7 Working Groups, with 45 individual sportspersons, with 23 outfitters, with 4 landowner/outfitters, and with 288 landowners in elk habitat.

It is apparent in many areas, especially with significant elk use of private land, that the ecological potential for elk numbers is substantially above the numbers sustainable based on landowner tolerance. For these areas, the expectations of private landowners will be an important component in establishing objectives for elk numbers.

Liberal package, 27 EMUs contain the option for issuing A-9/B-12 licenses (B-tags) and 16 EMUs contain an option for an Antlerless Only regulation if objectives are not met with all other Liberal options.

If it becomes necessary to recommend a Restrictive Regulation for bulls that includes unlimited or limited permits, ALL hunters, including archers will be required to apply for the permits in most cases. Similarly, if antlerless ONLY regulations are implemented, archers will also be limited to antlerless ONLY hunting.

Although FWP intends to manage elk within the framework of a 5-week general season, where game damage criteria apply, all EMUs have the option of special early seasons, an extended general season, or special late seasons. However, seasons outside the 5-week general season framework are not intended to be solutions where outfitting, other paid hunting, or land totally closed to hunters or with severely restricted access compromises general public access during the general 5-week season.

It is the intention of FWP, as part of the hunter recruitment program, to maintain Special Youth Hunts in all hunting districts where general bull hunting (areas without limited permits ONLY for bulls) occurs. These Special Youth Hunts, for youths 12-14 years of age, allow the harvest of antlerless elk (without a special permit) or a legally defined bull for that HD. This Special Youth Hunt is not written into the AHM regulation packages of individual EMUs, but will apply wherever criteria are met.

#### **Elk Management Unit (EMU) Location and Summary Statistics**

Figure 20 indicates locations of EMUs and Table 9 displays summary statistics for EMUs. Further indication of location of EMUs is provided in a map at the beginning of each EMU Plan.



# Montana Code Annotated 2014

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**87-1-322. Calculation of available habitat.** When determining the total acreage that serves as habitat for elk, deer, and antelope, the **commission** shall consider public land and private land for wildlife management or habitat enhancement purposes. This calculation must be reconsidered and provided to the public by October 1 of each odd-numbered year.

**History:** En. Sec. 2, Ch. 553, L. 2003.

*Provided by Montana Legislative Services*

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**87-1-323. Viable elk, deer, and antelope populations based on habitat acreage -- reduction of populations as necessary.** (1) Based on the habitat acreage that is determined pursuant to [87-1-322](#), the commission shall determine the appropriate elk, deer, and antelope numbers that can be viably sustained. The department shall consider the specific concerns of private landowners when determining sustainable numbers pursuant to this section.

(2) Once the sustainable population numbers are determined as provided in subsection (1), the **department shall implement**, through existing wildlife management programs, necessary actions with the objective that the population of elk, deer, and antelope remains at or below the sustainable population. The programs may include but are not limited to:

- (a) liberalized harvests;
- (b) game damage hunts;
- (c) landowner permits; or
- (d) animal relocation.

(3) The department shall:

(a) manage with the objective that populations of elk, deer, and antelope are at or below the sustainable population number by **January 1, 2009**; and

(b) evaluate the elk, deer, and antelope populations on an annual basis and provide that information to the public.

**History:** En. Sec. 3, Ch. 553, L. 2003.

## Legislator Kary is not a game biologist

In December 2014, Montana Fish, Wildlife and Parks Region 5 Citizen's Advisory Council invited local politicians to talk about the 2015 legislative session. Sen. Doug Kary, Senate District 22, said loudly and clearly that FWP couldn't manage elk so he has two bills that will address elk management. Kary's bills are SB120 and LC1186.

Since when did Kary become a biologist or a game manager? That's been a recurring problem of the last three legislative sessions. Many legislators magically become game managers and biologists, trying to legislate how our publicly owned fish and wildlife should be managed. That's the job of FWP and the FWP Commission.

Kary's bills, one to remove the word public from the game damage statutes (SB120) and the other to legislate late season cow elk hunts (LC1186), which were commonplace and didn't work prior to 2003. Montana citizens, especially Senate District 22, should rise up and slap down these two pieces of bad legislation. They are nothing more than attempts to privatize and commercialize our public trust resource. And to top it all off, Kary was very arrogant and condescending explaining his bills, not a manner in which an elected official should act with their constituents — the Montana citizens.

Kary should leave game management to people who know how: FWP. FWP has all of the tools necessary to manage game animals; however, if private property owners don't have skin in the game, why should FWP be blamed for too many elk? Shame on Kary for deceiving Montana residents.

Dan Rodoni  
Shepherd

Read more: [http://billingsgazette.com/news/opinion/mailbag/legislator-kary-is-not-a-game-biologist/article\\_24086ef1-e3ba-55cb-addd-192916a70546.html#ixzz3RBMGGcrg](http://billingsgazette.com/news/opinion/mailbag/legislator-kary-is-not-a-game-biologist/article_24086ef1-e3ba-55cb-addd-192916a70546.html#ixzz3RBMGGcrg)

### **Kary's bills would be a private takeover of public wildlife**

Sen. Doug Kary, Senate District 22 from the Billings Heights, has introduced two of the largest entitlement bills of the early 2015 legislative session. One, Senate Bill 120, revises Montana's game damage statutes by removing the public from hunting and the other, LC 1186, is mandating late season cow elk hunts, taking the job away from FWP and the FWP Commission, the very folks who are in charge of our public trust resources of fish and wildlife.

His hope is to allow the sportsmen to pay the bill related to game damage while landowners who have zero "skin in the game" benefit from over objective elk herds. Most of the over objective elk herds result from little or no public access during the archery and general season. It seems as though the Monday after Thanksgiving, when outfitters are no longer able to gain monetarily from elk, the elk turn into vermin destroying private property.

This setup allows the outfitters to make their money from our public wildlife and then the ordinary hunter is relegated to scraping up the few crumbs that fall from the buffet table. Stop this takeover of our public wildlife.

Steven Wittak  
Billings

Read more: [http://billingsgazette.com/news/opinion/mailbag/kary-s-bills-would-be-a-private-takeover-of-public/article\\_1b6b33e0-a2b3-563e-a710-42b64e28f0bb.html#ixzz3RBMhHkxG](http://billingsgazette.com/news/opinion/mailbag/kary-s-bills-would-be-a-private-takeover-of-public/article_1b6b33e0-a2b3-563e-a710-42b64e28f0bb.html#ixzz3RBMhHkxG)